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Amendments to the Drawings

In response to the Examiner's rejections regarding uneven shading, formal drawings have been prepared for figures 2, 3, and 5 and are attached labeled REPLACEMENT SHEETS.

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Remarks/Arguments

Claims 1-53 are pending in the application. Claims 1-25 were withdrawn and have now been cancelled. Claims 26-53 are rejected by the Examiner. Claims 36 and 42 are amended by the Applicant in this application.

Claim 36 has been amended to remove the reference to the trade name "Internet Explorer" and has been replaced with "Web Browser," therefore no new matter has been added.

Claim 42 has been amended to replace "coupable" with "coupled," therefore no new matter has been added.

The claims in the present application are directed to a "browser companion agent" that is located with the browser. The browser companion agent monitors data from a host computer (e.g.. a web server), parses the data streams, and operates to provide services that are contextually relevant to the data stream from the host computer.

Overview

In this Action the Examiner has cited three prior art references that provide a basis for the rejection under § 102 and §103 of all of the remaining claims. The references process data using a "host-based" approach, which is dissimilar to the "browser based" processing as described in the application. For example, Slotznick describes a host-based computer system that has programs residing on the host computer that processes the data and then transmits the modified data stream to remote devices (computers, dumb terminals, etc) with which a user interacts. Also, Perkowski describes a client-server system for the processing of UPC codes: like the host-based architecture, the client-server architecture is dissimilar to browser side processing as used in the application. Lastly, Beck is also a host-based system for call center processing which is dissimilar to the "browser side" processing as described in the Application. In the aforementioned prior art, the use of a host-based application to process data requires the

user's device to send the web page to the host, where customized programs must analyze the webpage. This requires that a custom program be coded and present on each host system, an inefficient and perhaps difficult job when dealing with internet content. In contrast, the claimed inventions relate to an efficient architecture that is coupled to a standard browser to automatically analyze content presented through the user's browser to provide services related to the content.

1. Rejection of Claim 36 under 35 U.S.C. § 112:

The Examiner has rejected claim 36 under 35 U.S.C. § 112 for use of the trademark/tradename " Internet Explorer".

Applicant has modified the claim to replace "Internet Explorer" with "web browser". This term is supported in the application. No new matter has been added as a result of this change.

Applicant respectfully requests that the Examiner remove this rejection in view of this change.

2. Rejections Under 35 USC §102(e):

Slotznick Cannot Anticipate Because It Fails To Disclose A Browser

The Examiner has rejected claims 26-34 as anticipated by Slotznick (U.S. Patent 5,983,200). The Applicant respectfully traverses the rejection of these claims. A claim is anticipated only if each and every element as set forth in the claim is found expressly or inherently described in a single prior reference. 35 U.S.C. 102(e); MPEP 2131.

Slotznick teaches a central computer system (e.g. a host) that uses "intelligent agent learning modules". The intelligent agent learning modules are located on the host computer and operate on input data that is captured from user-accessed remote devices, such as, terminals.

The claims at issue all recite browsers, browser companion agents, and/or the provision of services that are contextually relevant to content on a browser. There is no mention whatsoever in Slotznick that the terminals include a browser, as recited in Applicant's claims.

A browser application is configured different from a terminal-host system, as disclosed in Slotznick. It is well understood by persons skilled in the art that a "browser-based" computer program, such as the recited browser companion agent, operates on data stored directly on the user's computer executing the browser application before being transmitted to the host computer for further processing by host-based applications.

Accordingly, Slotznick cannot anticipate any claim. More specific arguments to overcome the rejection of each claim are presented below.

Claim 26

Slotznick teaches a central or host computing system (i.e, the remote computer system, per claim 26) (FIG 2, col 15 ln 29-40) connected to a variety of devices, with a computer (i.e., a client computer system, per claim 26) being included among those listed (col 16, ln 6-10). These user devices receive data (FIG 4; col 18, ln 7-59) and transmit that data to the CPU on the central computer system (col 15, ln 30), which operates on the data and then transmits the data back to the devices. Slotznick does not teach a browser or a "browser companion agent" located on any of the client-type devices connected to the central computer system.

Slotznick also does not teach that any of the client-type devices provide services that are contextually relevant to the content on a browser. Rather, the user devices are described as kiosks, personal computers, telephones, or interactive televisions. These devices pass the data as entered directly from the user, as an unmodified data stream to the host computer. (See col 16, ln 6-10, stating, "Input is provided via the various remote

devices 60...Each remote device...personal computer 54... includes or is attached to a modem.)

In contrast, claim 26 recites a data stream received by the remote computer from the client computer that is not the same as what is directly entered: "the data received by the remote computer system being determined according to the content page on a browser." This new data stream is then processed by the remote computer system reference. Accordingly, the claimed data stream may be considered a modified data stream generated by the browser companion agent on the client computer system.

In view of the foregoing, Applicant respectfully submits that no prima facie case of anticipation has been made because Slotznick fails to disclose a browser on a client-type of device. Further, there is no teaching of a browser companion agent on the same client device, or their recited functionality and interaction with a remote computer system. For any of these reasons, the rejection of claim 26 must be withdrawn.

Independent claim 41 also recites a browser companion agent and context relevant functionality relating to ecommerce transactions. The rejection of claim 41 must be withdrawn for analogous reasons. All dependent claims depend directly or indirectly from either claim 26 or 41, and further limit the claim. Accordingly, the rejections of the dependent claims must also be withdrawn.

Further grounds for the patentability of specific claims are as follows.

Claim 27

The Action asserts that a "transaction tracking service" (col 5, lns 41-51) of Slotznick anticipates claim 27. The term "transaction tracking" as referenced in claim 27 is defined in the specification as "a program that recognizes and sends the transaction related pages to the server while a user is purchasing an item. The server extracts the transaction information,

stores it for future referral and uses it to compute the cash back." (See paragraph 111, in U.S. Pub. No. 2002/0154162.)

In contrast, Slotznick states "the transaction amount is automatically posted to the user's electronic accounting software ... the transaction amount is automatically entered into accounts payable. A transaction that involves ordering a tangible product, which requires payment, may be referred to as a "physical commercial transaction." (Col 5, lines 48-51.)

Here it is clear that the term "transaction tracking" in claim 27 and "transaction" as cited in Slotznick refer to two different things: The Slotznick transaction is an accounting value that is transmitted to another software program. The term "transaction tracking" in claim 27 refers to a service module included with the browser companion agent. The remote computer determines data for the service module. The cited passage in Slotznick does not teach that the accounting software is part of a browser companion.

Consequently, the term "transaction tracking" as referenced in claim 27 is not the same thing as defined in Slotznick. Applicant respectfully requests that the Examiner withdraw the rejection of claim 27 for at least this reason.

Claim 28

The rejection of claim 28 should be withdrawn in view of the prior arguments made for claim 27.

3. Rejections Under 35 USC 103

The Action has rejected claims 36-48 and claims 51-53 as being unpatentable over Slotznick in view of Perkowski. These claims are all patentable because they have independent claim 26 or 41 as a base claim. Because Slotznick does not disclose recited elements of these claims, it cannot be used to support a prima facie case of obviousness. Accordingly, the rejection of claims 36-48 and claims 51-53 must be withdrawn for at least this

reason.

Even if Slotznick were a viable primary reference, the combination of reference is also improper for the following reasons.

Claim 41

Claim 41 recites the transfer of a "service module" from one computer system to the browser companion agent. Associated with that transfer is data that is dependent on that service module. (See Claim 41). Slotznick does not teach the transfer of "service module" from a host system to a browser, rather all programs are executed on the host system (see generally FIG 2 of Slotznick).

Likewise, Perkowski has a similar architecture (see FIG 2A of Perkowski). Code is executed on individual systems, but the transfer of objects is not taught. The referenced paragraphs 16 and 23 of Perkowski do not teach the transfer of objects (paragraph 16 makes a reference to "intelligent agents" and paragraph 23 makes a reference to "URLs").

Consequently, the transfer of "service modules" as referenced in claim 41 is not the same as those as cited in Perkowski or Slotznick. It would not have been obvious to one skilled in the art using either Slotznick or Perkowski to code a system of transfer of service modules as described in claim 41. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 41 for at least this reason.

Claim 42

Applicant has amended the claim from "coupable" to "coupled". Claim 42 teaches receiving user input from the user interface and sending it to a remote computer system. In that this claim is dependent on claim 41, this input data is captured into a "service module". Neither Slotznick nor Perkowski teach service modules (see arguments, Claim 41, supra).

Consequently, the transfer of "service modules," as referenced in claim 42, is not the same as those as cited in Perkowski or Slotznick. It would not have been obvious to one skilled in the art using either Slotznick or Perkowski to code a system of transfer of service modules as described in claim 41. The Applicant respectfully requests that the Examiner withdraw the rejection of claims 42 for at least this reason.

Claims 35, 49-50

Applicant respectfully traverses the rejection of these claims. Slotznick teaches a central computer system (e.g. a host) that uses "intelligent agent learning modules". (See arguments made in the Section 102 rejection, supra). The intelligent agent learning modules are located on the host computer and operate on input data that is captured from remote devices, such as, terminals. In contrast, the claimed invention operates on data stored directly on the user's browser system before being transmitted to the host computer. The dependent claims 39, 49, and 50 use COM objects as a mechanism that operates on the browser system.

It also would not have been obvious to combine with Beck because it teaches a call-center technology that uses COM in a host-based configuration (see Beck, fig 4). This is similar to the host-based configuration as described in Slotznick. The instant application is distinguishable in that it uses browser-based executable programs on a client system.

Consequently, it would not have been obvious to one skilled in the art using either Slotznick and Perkowski, in view of Beck, to use COM objects on a browsers in claim 51 and dependent claims 52 and 53. Therefore Applicant respectfully requests that the Examiner withdraw the rejection of claims 51-53 for at least this reason.

In view of the significant reasons for the patentability of the independent claims, Applicant has not stated other significant grounds for patentability of the independent and dependent claims. Nothing herein should be deemed as a disclaimer or surrender of any rights,

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an acquiescence in any rejection, or a waiver of any arguments that might have been raised but were not raised herein or otherwise in the prosecution of this application. Applicant reserves all rights and subject matter with respect to claims being or to be pursued in this or any related applications.

CONCLUSION

Applicant submits that in view of the foregoing remarks and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested.

The Commissioner is hereby authorized to charge any fees, including extension fees, or to charge any additional fees or underpayments, or to credit any overpayments, to the Credit Card account referenced on the accompanying Credit Card Payment form (PTO-2038). As an alternative, in case the Credit Card cannot be processed, the Commissioner is hereby authorized to charge any fees, additional fees, or underpayments, or to credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

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